

MOSER LAW FIRM, PC



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October 1, 2020

**VIA ECF**

The Honorable A. Kathleen Tomlinson  
United States Magistrate Judge  
United States District Court  
100 Federal Plaza  
Central Islip, NY 11722

Re: *Caccavale v. Hewlett-Packard Company a/k/a HP Inc., et al.*  
2:20-cv-00974-GRB-AKT (E.D.N.Y.)

Dear Judge Tomlinson:

This Firm represents Plaintiffs Tony Caccavale, Anthony Mangelli, and Douglas Sorbie in the above referenced matter. We write on behalf of all parties to update Your Honor on the status of this matter and to seek a stay of all deadlines/discovery other than the deadline for responses to document requests pertaining to the named Plaintiffs.

On July 10, 2020, Your Honor held an initial conference with the parties. Among other things, Your Honor ordered that all discovery, other than document discovery with respect to the named Plaintiffs, be held in abeyance pending a decision on Defendants' then forthcoming motions to dismiss Plaintiffs' complaint.

On July 15, 2020 Judge Brown held a conference with the parties and permitted Defendants to move to dismiss Plaintiffs' First Amended Complaint. That fully briefed motion was filed on September 11, 2020 pursuant to Judge Brown's Individual Rules of Practice. On September 14, 2020, Judge Brown denied Defendants' motions to dismiss without prejudice and referred the instant matter to mediation with Defendants' motions to be refiled in the event mediation is unsuccessful. The parties have scheduled a mediation for November 11, 2020 at 10:00 a.m. with Barry J. Peek, Esq.

In light of the foregoing status of this matter, the parties respectfully request that (1) the parties be permitted to provide the Court with a report on the mediation by November 25, 2020; and (2) that all deadlines (including, but not limited to, the October 9, 2020 joinder deadline) and the balance of discovery be held in abeyance pending the forthcoming mediation and Defendants' potential renewed motions to dismiss and, if necessary, reset subsequent to a decision on Defendants' potential renewed motions to dismiss.

Thank you for your attention.

Respectfully submitted,

*Paul Pagano*

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cc: All Counsel of Record (VIA ECF)